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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/632,020

07/31/2003

Brent Turner

9363

7590

12/16/2004

Jeffrey A. Travis

#9

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Santa Ana, CA 92707

EXAMINER

CARIASO, ALAN B

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/632,020	BRENT TURNER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alan Cariaso	2875	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☒ Claim(s) 9-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "6" has been used to designate both removable energy source and conducting portion. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities:
3. Page 5 "Detailed Description of the Drawings", about lines 17-18, drawing reference numerals (5), (6) and (7) should be placed after their corresponding terms and not after the end (.) or commas (,).
4. Page 6, 2<sup>nd</sup> to the last line "handl" is misspelled.  
Appropriate correction is required.

***Claim Objections***

5. Claims 5 and 9 are objected to because of the following informalities:
6. Claim 5, line 2, "detachabl" and "insid" are misspelled.
7. Claim 9, line 6, "th" is misspelled.
8. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by SCHNEIBLE (US 1,225,865).
11. SCHNEIBLE discloses an illuminated tap handle (fig.1) comprising: a handle portion (g,e) with a detachable bottom end (a') and a hollow portion inside the handle (g,e) that opens up to the detachable bottom end (a'); a light source (i) coupled to the handle portion (g,e); a conducting portion (f') coupled to the detachable bottom end (a'); an energy source (f) removeably connectable to the light source (i) and removable from the handle portion (g,e); a conducting strip (e) with a first end (top) and a second end (bottom); the first end of the conducting strip (e) coupled to the light source (i); the conducting portion (f') capable of touching the second end of the conducting strip (e) and the energy source (f) when the detachable bottom end (a') is attached to the handle

Art Unit: 2875

portion (g,e); the detachable bottom end (a') is capable of being secured to a tap (fig.1); the detachable bottom end (a') threadably securable to the handle portion (g,e); the detachable bottom end (a') threadably securable to a tap (b); and a conductor (h or f5) fixedly connected to the light source (i) and removeably connectable to the energy source (f); wherein the light source (i) is an incandescent light.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over SCHNEIBLE (US 1,225,865) in view of KEHAT (US 6,021,960).

14. Claim 8 recites a light emitting diode not disclosed by SCHNEIBLE. KEHAT teaches the equivalence of utilizing a light emitting diode (col.3) in place of an incandescent light bulb for the purpose of illuminating with color. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the illuminated tap device of SCHNEIBLE to include the type of LED light source as taught by KEHAT in order to provide colored light as an added aesthetic to fluid.

***Allowable Subject Matter***

15. Claims 1-4 are allowed.

Art Unit: 2875

16. Claims 9-12 are objected to as having minor error(s) but would be allowable if rewritten to correct them.


***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. TUCKER (US 5,504,663) shows a hollow body (fig.3) including a light source, removable battery, conductors and detachable top end (46) having an electrically conducting portion (44), and includes use as handle (fig.17). HETHERINGTON (US 2,631,393), HORNBLAD et al (US 5,412,547), CARBONE (US 2,414,446) and TATE JR (US 3,286,385) show other handle portions having internal illumination circuits and useable with a tap.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Cariaso  
Primary Examiner  
Art Unit 2875

AC  
December 13, 2004